

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
DESEAN J. OWENS,

Plaintiff,

v.

IMAM MALIK KEDAR and ORANGE
COUNTY,Defendants.
-----X**ORDER**

22 CV 6487 (VB)

12/21/22

Copies Mailed/Faxed
Chambers of Vincent L. Briccetti
12/21/22
DH

CTY VB
ORANGE

On July 29, 2022, plaintiff DeSean J. Owens commenced this pro se action against defendants Orange County Jail, Imam Malik Kedar, and E. Colby, alleging violations of his constitutional rights. (Doc. #1).

On September 16, 2022, the Court issued an order dismissing Colby and Orange County Jail as defendants and substituting Orange County as a defendant pursuant to Rule 21 of the Federal Rules of Civil Procedure. The Court directed the U.S. Marshals Service to effect service on defendants Kedar and Orange County and extended plaintiff's time to serve under Rule 4(m) to 90 days after the date summonses were issued. (Doc. #7).

Summonses were issued as to both defendants on September 20, 2022. (Doc. #8). Accordingly, plaintiff's deadline to serve Kedar and Orange County was December 19, 2022.

On December 16, 2022, the U.S. Marshals Service docketed a Return of Service Unexecuted form as to Kedar. (Doc. #10). As noted on the form, the Deputy U.S. Marshal attempted to serve Kedar at the Orange County Jail, the address listed in the complaint, but was told by a jail employee that Kedar is not employed by Orange County Jail. The jail employee said that Kedar is employed by a contractor, but did not know the contractor's name or address.

The Court has been informed that the U.S. Marshals Service timely effected service on Orange County and completed a Return of Service Executed form, which has not yet been docketed.

Accordingly, it is hereby ORDERED:

1. By January 13, 2023, counsel for Orange County shall ascertain the address where defendant Kedar may be served, and provide this information to plaintiff and to the Court.
2. Once Orange County's counsel has provided this information, the Court will, if necessary, issue an order directing the Clerk of Court to complete the U.S. Marshals Service Process Receipt and Return form with the address for Kedar and deliver all documents necessary to effect service to the U.S. Marshals Service.

3. To allow additional time for the U.S. Marshals Service to effect service on Kedar, plaintiff's time to serve under Rule 4(m) is extended to March 20, 2023.

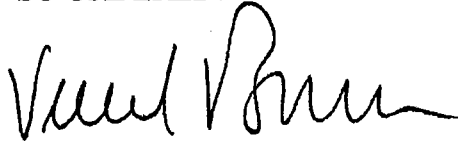
The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Chambers will also mail a copy of this Order to the Orange County Attorney, at 255-275 Main Street, Goshen, NY 10924.

Dated: December 21, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge